

12 or coconut oil, or palm oil, or butter or any mixture thereof; or nut pastes, or praline or confectioner's coatings comprising chocolate analogues with cocoa butter replaced by a non-tempering vegetable fat containing from about 60 to 90% chocolate and from about 40 to 10% of a vegetable fat.

8. A food product according to claim 1, wherein edible inclusions are incorporated in the fat-based confectionery material.

9. A food product according to claim 8 wherein any inclusions containing substantial amounts of water are encased within the fat-based confectionery material.

11. A process according to claim 10, wherein the sugar wafer is provided in the shape of the cone and the confectionery filling is introduced to at least partially fill the cone, with the cone acting as a handle to keep a user's hands clean during eating of the product and the product combining the pleasure and fun of eating an ice cream cone with the indulgence of a fat-based confection.

Please add the following claims:

Sub B3 > 13. A process according to claim 11, wherein the food product has a weight of between about 5 and 40 g and is bite-sized or a 2-3 bite sized piece.

14. A process according to claim 11, wherein the filling is dark chocolate, milk chocolate or white chocolate, or any mixture thereof or products derived from sugar with or without milk derived components; or fat and solids from vegetable or cocoa sources; or chocolate substitutes containing direct cocoa butter replacements; or stearines; or coconut oil; or palm oil; or butter; or any mixture thereof; or nut pastes, or praline or confectioner's coatings comprising chocolate analogues with cocoa butter replaced by a non-tempering vegetable fat containing from about 60 to 90% chocolate and from about 40 to 10% of a vegetable fat.

15. A process according to claim 11, wherein edible inclusions are incorporated in the fat-based confectionery material.

16. A process according to claim 15, wherein the edible inclusions are chopped nuts, candy pieces, raisins, or any mixture thereof.

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~~17. A process according to claim 11, which further comprises a topping of chocolate, a confectionery coating, chopped nuts, candy pieces, raisins or any mixture thereof.~~

~~18. A food product according to claim 8, wherein the edible inclusions are chopped nuts, candy pieces, raisins, or any mixture thereof.~~

19. A food product according to claim 1, which further comprises a topping of chocolate, a confectionery coating, chopped nuts, candy pieces, raisins or any mixture thereof.

REMARKS

Claims 1 and 3-12, as amended, and new claims 13-20 are pending in this application for the Examiner's review and consideration. Claim 2 has been cancelled. Claim 5 has been amended to more clearly recite what the filling comprises. Claims 8 and 9 have been amended to recite "fat-based confectionery material" rather than "fat-containing confectionery material" to conform the language with that of claim 1. Claim 1 and 11 have been amended to recite that the sugar wafer is a cone (as recited in claim 2), that the cone shaped wafer may act as a handle (*See Spec.*, page 2, line 17), and that the product combines the pleasure and fun of ice cream cones with the indulgence of a fat-based confection (*See Spec.* page, 2, lines 20-22). None of these changes introduce new matter.

The new claims were added to cover additional embodiments. Claim 13-15 recite the features of claims 3, 5 and 8. Claims 16 and 18 recite that edible inclusions, such as chopped nuts, candy pieces, or raisins, may be included (*See Spec.*, page 4, lines 34-35), while claims 17 and 19 recite that the food product may include a topping (*See Spec.*, page 5, lines 7-9). Accordingly, as no new matter has been added by any new claim, the entry of all claim amendments and new claims are warranted at this time.

Claims 5, 8 and 9 were rejected under 35 U.S.C. 112, second paragraph for the reasons on page 2 of the office action. In response, claim 5 has been amended and claim 13 has been added to more clearly describe what the filling comprises. Additionally, claims 8